

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EVELYN MITZEL,  
f/k/a EVELYN FOX,

Plaintiff,

vs.

HSBC CARD SERVICES, INC.,

Defendant.

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8:10CV392

ORDER

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” The defendant removed this case from state court on October 14, 2010, and filed a motion to dismiss on December 9, 2010. **See** Filing Nos. [1](#) and [13](#). On July 15, 2011, the court denied the motion to dismiss, but directed the plaintiff to file an amended complaint. **See** [Filing No. 21](#). On August 1, 2011, the plaintiff filed an amended complaint. **See** [Filing No. 22](#). Thereafter, the court directed the parties to file a joint planning conference report by September 13, 2011. **See** [Filing No. 23](#). No other progress has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR 55.1\(a\)](#), as appropriate. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business **on September 28, 2011**, to file a motion for clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute.

Dated this 20th day of September, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge